IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT APPLICATION OF	)
	) Examiner: Gishnock, Nikolai A.
Dennis R. Berman	)
	) Group Art Unit: 3715
Application No.: 10/613,564	)
	) Confirmation Number: 5486
Filing Date: July 02, 2003	)
	)
Title: METHOD AND SYSTEM FOR LEARNING	)
KEYWORD BASED MATERIALS	

SUBMITTAL OF MATERIALS FROM CO-PENDING APPLICATIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Recently, the Federal Circuit, in *McKesson Information Solutions, Inc., v. Bridge Medical, Inc.* (2005-1517) affirmed a District Court's determination that a patent was unenforceable due to inequitable conduct. The inequitable conduct was based upon a patent attorney's nondisclosure of office actions from co-pending applications.

In light of *McKesson*, I have attached each office action from each of the co-pending applications of the present application. You may or may not find these office actions to be material to the present application.

Respectfully submitted,

By   ___Hoyt A. Fleming III___

Hoyt A. Fleming III
Registration No. 41752

Date: August 29, 2007

Address correspondence to:	or	Direct telephone calls to:
☒ *Customer Number or Bar Code Label* **28422**	☐ *Correspondence Address Below* **Park, Vaughan & Fleming LLP** **P.O. Box 140678** **Boise, ID 83714**	**Hoyt A. Fleming III** **(208) 336-5237**

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,330	03/31/2004	Dennis R. Berman	TRV00-0001-R-1	7529

28422   7590   08/07/2007
HOYT A. FLEMING III
P.O. BOX 140678
BOISE, ID 83714

EXAMINER
HU, KANG

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
08/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/815,330	BERMAN, DENNIS R.
	Examiner	Art Unit
	Kang Hu	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>31 March 2004</u>.

2a) ☐ This action is FINAL.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-37</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-37</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date <u>See Continuation Sheet</u>.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 08-06)   **Office Action Summary**   Part of Paper No./Mail Date 20070725

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :3/31/04; 9/27/04; 11/15/04; 4/26/05; 7/22/05; 11/04/05; 7/24/06; 12/11/06; 6/22/07;.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Science

Vocabulary Hangman Game, herein after known as Hangman, dated April 2001 provided by

WayBackMachine (attachment provided).

Re claim 1, the traditional hangman is a paper and pencil guessing game for two players. One

player thinks of a word and the other tries to guess it by suggesting letters. The word to guess is

represented by a row of dashes, giving the number of letters. If the guessing player suggests a

letter which occurs in the word, the other player writes it in all its correct positions. If the

suggested letter does not occur in the word, the other player draws one element of the hangman

diagram. The game is over when: The guessing player completes the word, or guesses the whole

word correctly or the other player completes the diagram. Hangman provided by Science

Vocabulary Hangman Game works in a similar manner. As can be seen in the attachment

provided, there is a question provided to the player. The answer field (dashes) is in a different

font and different color. Once the person guesses the letter, the answer field will correspond to

the letter guessed or if no letters are in the answer field, a part of the hangman will disappear.

Hangman teaches the broadly claimed invention of a program storage device (web server), the

program storage device containing computer readable instructions (instructions or codes

provided on the Internet), that when executed by a computer, perform the following acts:

retrieving a keyword (the answer sought after by the game), which forms a part of an answer to a

question in a training course. Hangman teaches retrieving the hint or the question provided to the

player, however hangman does not teach that the question, which is not a keyword, forms a

second part of the answer to the question in claim 1 and any subsequent claims. It would be

obvious to one of ordinary skill at the time invention made to include the question as part of the

answer to formulate a complete answer to the question. Hangman further discloses generating a

web documentation for use in a training course, the web documentation including an answer to

the question, the answer including the keyword, the keyword being in a first font and the

question or hint given is in a second font (claims 1-3); Hangman also teaches the partial answer

to the question includes an indication of the number of characters in the keyword and the

indication is a plurality of non-continuous underlines (claims 4, 5, 9 and 10); Hangman also

shows of generating an image on a computer display for use in a training course, the image

including an answer to the question (claims 6-8).

Hangman further teaches in claim 11, displaying on a computer display, a question, a complete

answer to the question, and a partial answer to the question; receiving information from a user of

a training system; and updating the displayed partial answer to include the received information;

Wherein received information is a keyword of the complete answer to the question (claim 12).

Hangman further teaches in claim 13, displaying on a computer display, a question, a complete
answer to the question, and a partial answer to the question; receiving information that
corresponds to a character from a user of a training system (the guessing player suggests a letter
which occurs in the keyword or the complete answer to the question) if the received information
corresponds to the first character in the first word that is present in the complete answer to the
question but is not present in the partial answer to the question, then updating the displayed
partial answer to include the character; else displaying an indication (hangman losing a leg or
part of its body) that the character is not the first character in the first word that is present in the
complete answer to the question but is not present in the partial answer to the question.

Hangman does not provide an explicit indication that comprises of an error message according to
claim 14, however providing a loss of a leg of the hangman is analogous to providing an error
message that indicates that the letter is not present in the answer to the question; Hangman
provides indication including displaying the character in a color that is different from the color
utilized to upgrade the displayed partial answer and displaying the character in a font that is
different from the font utilized to update the displayed partial answer (claims 15-16).

Re claim 17, Hangman teaches displaying on a computer display, a question, a complete answer
to the question, and a partial answer to the question; receiving information that corresponds to a
first character from a user of a training system; if the received information does not correspond
to the first character in the first word that is present in the complete answer to the question but is
not present in the partial answer to the question, the displaying the first character on the

computer display; receiving information that corresponds to a second character from the user; and if the received information does not correspond to the first character in the first word that is present in the complete answer to the question but is not present in the partial answer to the question, hangman does not disclose of replacing the first character on the computer display with the second character, however it would be obvious to one of ordinary skill in the art at the time invention was made to include such feature so the player knows which character was last played.

Re claims 18-23, the traditional hangman was originally used with paper and pencil or chalk and a chalkboard. Hangman provided by Science Vocabulary Hangman Game teaches the use of a computer, Internet, keyboard and mouse. In this instance the program can be operated on a laptop where it would be typical to include features such as keyboard, mouse, microphone, touchpad, touch screen and a number pad. Since the marketplace reflects the reality that applying modern electronics to older mechanical devices is commonplace, it would have been obvious to one of ordinary skill in art of such training system to update older methods of hangman with modern electronic components that are commonly available and understood in the art of education, in order to gain the commonly understood benefits of such adaptation, such as simplified operation.

3.   Claims 24-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Science Vocabulary Hangman Game in view of Ukisu (US 4,690,645)

Claims 24-37, hangman does not disclose of the different variation of hint object where it will update the display of the partial answer to include at least one additional character. Ukisu teaches

of such feature in col 4, lines 34-40. It would be obvious to one of ordinary skill in the art at the time of invention to include the hint capability disclosed in Ukisu to help the player get unstuck if he or she cannot correctly answer the question. This hint feature is used differently in hangman that hangman allows the player to guess a certain number of tries before revealing the correct answer, however it is used for the same purpose and Hangman and Ukisu are in the same field of endeavor of interactive education methods.

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Boon (US 6,022,221) teaches of a method for short-to long-term memory bridge. Whitechurst et al. (US 6,978,115 b2) teaches of a method for training in an adaptive manner. New III (US 6,155,834) teaches of a data driven interactive testing method, apparatus and article of manufacture for teaching a student to read. McElwrath (US 2004/0009462 A1) teaches of a method of developing customized electronic course of study based on the identified content.
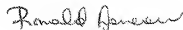
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kang Hu whose telephone number is (571)270-1344. The examiner can normally be reached on 8-5 (Mon-Thu).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KH/
Kang Hu
August 1st 2007

Ronald Laneau
Trainer AU: 3714
8/3/07

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,341	03/31/2004	Dennis R. Berman	TRV03-0001-1	8341

28422   7590   08/16/2007
HOYT A. FLEMING III
P.O. BOX 140678
BOISE, ID 83714

EXAMINER
LEE, BENJAMIN WILLIAM

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
08/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 June 2007</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-39</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-39</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>06/05/2007</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail. Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   The amendment filed 06/05/2007 has been entered. Claims 1-39 are pending in this

application. Claims 1-39 have been amended.

Oath/Declaration

2.   The oath or declaration is defective. A new oath or declaration in compliance with 37

CFR 1.67(a) identifying this application by application number and filing date is required. See

MPEP §§ 602.01 and 602.02.

> The oath or declaration is defective because:
> It does not state that the person making the oath or declaration acknowledges the duty to
> disclose to the Office all information known to the person to be material to **patentability**
> as defined in 37 CFR 1.56.

The declaration filed 03/31/2004 states, "I acknowledge the duty to disclose information known

to me to be material to the **examination** of this application in accordance with Title 37, Code of

Federal Regulations, § 1.56." A new declaration should be filed in which "material to the

examination" is replaced with --material to the patentability--.

Claim Objections

3.   Claim 36 is objected to because of the following informalities: "training course" in lines

2-3 should be changed to --training session-- in order to be consistent with the language of parent

claim 27. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5.   Claims 1-39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

        Claims 1, 14, and 27 recite the limitation "the second Web document displaying characters received from the user if and only if the character received form the user correspond to characters of the keyword" in lines 10-12, lines 10-11, and lines 10-12, respectively. The specification does not provide support for this limitation. The closest section of the applicant's specification found by the examiner is located on pages 31-32 and Fig. 11. The specification describes presenting incorrect characters in a different font color, font size, font style, or font family or displaying 1-all incorrect characters entered. However, this part of the specification does not disclose hiding every single incorrect character entered. Claims 2-13, 15-26, and 28-39 are dependent on claims 1, 14, and 27 and thus inherit the same deficiency.

6.   Claims 1-39 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for providing training which uses a computer system wherein the computer

compares entered keywords with stored keywords, does not reasonably provide enablement for
the broad limitation "providing training to the user" found in claim 1, line 14, claim 14, line 14,
and claim 27, line 15. The specification does not enable any person skilled in the art to which it
pertains, or with which it is most nearly connected, to make and use the invention commensurate
in scope with these claims.

The limitation "providing training to the user" is not structurally related to the other
limitations of the claim. The claims do not limit "training" to the method step disclosed of
requesting a Web server to serve a Web document. Instead, the claims may be fairly interpreted
to mean that any type of training, whether or not related the Web document/image disclosed in
the claim, may be provided. The applicant's specification only provides support for providing
training that uses the Web documents/images. Furthermore, even if "providing training to the
user" is understood to mean that the training is limited to using the specific Web
document/image disclosed by the applicant, it is still unclear what specifically encompasses
"providing training." The applicant's specification only discloses a user interacting with the
computer system as training. The limitation "providing training" may be fairly interpreted to
mean that any other form of training (e.g. playback of a video or listening to a speaker) may be
provided.

7.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

8.   Claims 1-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 14, and 27 recite the limitation "at least one of the plurality of training courses/sessions including a second Web document." The limitation is not clear because it allows for the possibility of more than one training course/session (at least one) to have a second Web document. In the case that there is more than one training course/session, it is unclear whether the plurality of training courses/session share the same Web document or if each training course/session has a separate Web document. Furthermore, claim 14 does not disclose a first Web document and it is unclear why the documents of claim 14 must specifically be Web documents since it is not disclosed that the system is operated over a network. Claims 2-13, 15-26, and 28-39 are dependent on claims 1, 14, and 27 and thus inherit the same deficiencies.

Claim Rejections - 35 USC § 103

9.   Claims 1, 2, 6, 8-15, 19, 21-28, 32, and 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over McElwrath (US 2004/0009462) in view of Ziv-el et al. (US 6,898,411 B2, hereinafter Ziv-el) and Henson (US 4,055,907).

Re claims 1, 14, and 27: McElwrath discloses a method of providing training to a user, the method executed by a computer system having a processor and memory (see ¶ [0069]), the method comprising requesting a Web server to serve a Web document/image (i.e. homepage), the Web document including a plurality of objects that provide the ability to select (i.e. click on)

one training course/session from a plurality of training courses/session (i.e. menu) of training courses (see ¶ [0633]). The selection of a training course/session launches another Web document (i.e. module) (see ¶ [0637]) and thus, the user is provided training (i.e. a course of study).

However, McElwrath fails to disclose the other Web document stores a keyword and displays a question, a complete answer to the question, a field for displaying character received from a user, and displaying characters if and only if the characters received from the user correspond to characters of the keyword.

Ziv-el teaches a method and system for online teaching using web pages. Teachers generate exercises for students related to a web page. The teacher designates a web page and questions and answers related to the web page for distribution to students (see Fig. 1; col. 5, lines 17-30; col. 4, lines 44-50). One of the embodiments of the invention allows for "fill-in-the-blank" type questions and responses (see col. 4, lines 24-27). The response of the students may be automatically checked for correctness by directly comparing the response to the teacher's answer (see Fig. 5; col. 6, lines 61-66). Thus, a web page provides questions and a complete answer to the questions (i.e. the web page related to the question). The student is provided with a field to enter the student's answer (see Fig. 1; col. 4, lines 17-30). The same field used by the student to enter an answer also serves to display an incomplete answer as the user types in the answer.

Therefore, in view of Ziv-el, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add the web page question/answer to the learning system

of McElwrath in order to provide exercises to students that take advantage of the variety and

depth of material available on the World Wide Web.

However, the teachings of McElwrath as modified by Ziv-el fail to disclose displaying

characters received from the user if and only if the characters received form the user correspond

to characters of the keyword.

Henson teaches a character scanned teaching machine. A user enters an answer to a

question character by character and only the correct characters are displayed (see col. 4, liens 30-

53).

Therefore, in view of Henson, it would have been obvious to one of ordinary skill in the

art at the time the invention was made to only display characters received from user if the

characters correspond to the keyword/answer in order to provide immediate feedback to the user

regarding the correctness of the user's response.

Re claims 2, 15, and 28: The teachings of McElwrath, Ziv-el and Henson as applied to

claims 1, 14, and 27 above have been discussed. McElwrath further discloses an element (i.e.

the title) that indicates that one of the plurality of training courses is available (see ¶ [0633]).

Re claims 6, 19, and 32: The teachings of McElwrath, Ziv-el and Henson as applied to

claims 1, 14, and 27 above have been discussed. McElwrath further discloses the Web

document/image includes an element that indicates that one of the plurality of training courses

(i.e. modules) within a course was previously completed by a user (see ¶ [0189]).

Re claims 8, 21, and 34: The teachings of McElwrath, Ziv-el and Henson as applied to

claims 1, 14, and 27 above have been discussed. McElwrath further discloses the Web

document/image includes an element that identifies the title of at least one training course (see ¶

[0633]).

Re claims 9, 22, and 35: The teachings of McElwrath, Ziv-el and Henson as applied to

claims 8, 21, and 34 above have been discussed. McElwrath further discloses the element is one

of the plurality of objects (see ¶ [0633]).

Re claims 10, 11, 23, 24, and 36: The teachings of McElwrath, Ziv-el and Henson as

applied to claims 1, 14, and 27 above have been discussed. McElwrath further discloses the Web

document/image includes an element that identifies the number of question sin at least one

training course (see ¶ [0143], lines 5-7).

Re claims 12, 13, 25, and 26: The teachings of McElwrath, Ziv-el and Henson as applied

to claims 1 and 14 above have been discussed. McElwrath further discloses at least one training

course from the plurality of training courses includes at least one session and the Web

document/image includes an element (i.e. session number) that identifies the number of sessions

in the at least one training course (se ¶ [0738]).

Re claim 37: The teachings of McElwrath, Ziv-el and Henson as applied to claim 27

above have been discussed. McElwrath further discloses the at least one training session from

the plurality of training sessions includes at least one part and the Web document includes an element that identifies the number of parts (i.e. modules) in the at least one training session (see ¶ [0556]).

Re claim 38: The teachings of McElwrath, Ziv-el and Henson as applied to claim 27 above have been discussed. McElwrath further discloses the at least one training session from the plurality of training sessions includes at least one training day and wherein the Web document includes an element that identifies the number of training days in the at least one training sessions (see ¶ [0191] - ¶ [0192]).

Re claim 39: The teachings of McElwrath, Ziv-el and Henson as applied to claim 38 above have been discussed. McElwrath further discloses the Web document includes an element (i.e. a calendar) that identifies the number of training days completed in the at least one training session (see ¶ [0192] and ¶ [0200]).

10.   Claims 3-5, 16-18, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over McElwrath, Ziv-el, and Henson as applied to claims 1, 2, 14, 15, 27 and 28 above, and further in view of Sullivan et al (US 6,662,365 B1, hereinafter Sullivan).

Re claims 3, 16, and 29: The teachings of McElwrath, Ziv-el and Henson as applied to claims 2, 15, and 28 above have been discussed.

However, the teachings of McElwrath, Ziv-el, and Henson fail to disclose the element is an icon having the shape of an unlocked padlock.

Sullivan teaches the concept of using padlock icons (see col. 7, lines 12-26).

Therefore, in view of Sullivan, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate an icon having the shape of an unlocked padlock in order to provide a visual representation of the status of a menu selection item.

Re claims 4, 5, 17, 18, 30, and 31: The teachings of McElwrath, Ziv-el and Henson as applied to claims 1, 14, and 27 above have been discussed.

However, the teachings of McElwrath, Ziv-el and Henson fail to disclose the Web document/image includes an element that indicates that one of the plurality of courses is unavailable and the element is an icon having the shape of a locked padlock.

Sullivan teaches the concept to fusing padlock icons (see col. 7, lines 12-26).

Therefore, inv view of Sullivan, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate an icon having the shape of a locked padlock to indicate a course is unavailable in order to provide a visual representation of the status of a menu selection item.

11.   Claims 7, 20, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over McElwrath, Ziv-el, and Henson as applied to claims 6, 19, and 32 above, and further in view of Beavers et al. (US 2004/0002049, hereinafter Beavers).

The teachings of McElwrath, Ziv-el and Henson as applied to claim 6, 19, and 32 above have been discussed.

However, the teachings of McElwrath, Ziv-el and Henson fail to disclose the element is an icon having the shape of a check.

Beavers teaches a checkmark icon (see ¶ [148]).

Therefore, in view of Beavers, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate an icon having the shape of a check in order to indicate which selections were made.

Response to Arguments

12.   Applicant's arguments with respect to claims 1, 14, and 27 have been considered but are moot in view of the new ground(s) of rejection.
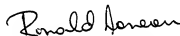
Conclusion

13.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin W. Lee whose telephone number is 571-270-1346. The examiner can normally be reached on Mon - Fri (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

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RONALD LANEAU
PRIMARY EXAMINER

2/9/07

BWL
Benjamin W. Lee
August 7, 2007